IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 1864 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26-12-2003 in WP NO : 36187 OF 1998 on the file of the High Court.)

Between:

1. The State of A.P. rep. by its Prl. Secretary, Higher Education Dept., Secretariat Buildings, A.P.Hyderabad
2. The Commissioner and Director of Intermediate Education, Hyderabad

..... APPELLANTS

AND

1. K.Ranga Raju, S/o Venkateswara Raju,Aged 36 years, Watchman, A.K.V.K.Junior College, Ongole, Prakasam District.
2. T.Subba Rao, Watchman, A.K.V.K.Junior College, Ongole, Prakasam District.
3. V.Sreenivas Rao, Sweeper, A.K.V.K.Junior College, Ongole,Prakasam District.
4. A.K.V.K.Junior College, Ongole, Prakasam District, rep.by Secretary and Correspondent.

.....RESPONDENTS

Counsel for the Appellant: GP FOR HIGHER EDUCATION

Counsel for the Respondents: MR.V.JOGAIAH SARMA.

The Court made the following :

ORAL JUDGMENT: (Per Sri Justice G.Bikshapathy)

The Writ Appeal is filed by the Government against the order of the learned single Judge in W.P. No. 36187 of 1998 dated 26-12-2003.

2 The unofficial respondents filed the Writ Petition before this Court seeking regularization of their services with effect from
07-10-1994. It is their case that they were appointed in 1985 and they have been continuously working as a part time contingent employees. But, however, since their services were not regularized and they were only given a minimum scales of pay from 07-10-1994 they sought regularization of services with effect from 07-10-1994. The learned single Judge allowed the Writ Petition on the ground that when once they were given the regular scales of pay under G.O.Ms.No.362, it makes no difference. They are entitled to consider their services under G.O.Ms.No.212 dated 22-04-1994. Against the said order, the present appeal has been filed by the Government.

3. The learned Government Pleader for Higher Education however submits that the learned single Judge has not taken into consideration the counter filed by the Department in a correct perspective and that the Government did not accept that the petitioners are entitled for regularization under G.O.Ms.No.212 but in fact, the learned Government Pleader now submits that the G.O.Ms.No.212 is also not applicable to the case of the respondents and G.O.Ms.No.112 Finance & Planning (F.W.P.C.III) Department, dated 23-7-1997 is applicable for release of minimum pay scales and regularization of services. Therefore, the order of the learned single Judge is liable to be set aside.

4. We have heard the learned counsel for the respondents also.

5. It is not in dispute that the respondents were working from 1985 and that the Government have been issuing various G.Os. with regard to the payment of minimum scales of pay and also regularization. According to the Government Pleader, their cases have to be considered in accordance with G.O.Ms.Nos.112 and 212 and if they fulfill the necessary criteria, benefits accruing under G.O.Ms.No.112 will be extended to them while the learned counsel for the respondents submit that

the services of the respondents were not regularized, whereas juniors to them were regularized long back and therefore, the question of non-regularization of their services would not arise. The learned single Judge has not concentrated on this aspect but only made an observation on the ground that the benefit was given under G.O. Ms. No.362 which ought to have been given under G.O.Ms.No.212 and in such situation it would make no difference. But we find the case of the respondents to be considered on the basis of respective G.Os. issued by the Government from time to time. In view of the fact that the respondents have been working for nearly two decades and that their juniors who are working in other institutions were also regularized in service, the cases of the respondents also were required to be considered on par with that of their juniors.

6. Accordingly, we modify the order of the learned single Judge and dispose of the Writ Appeal with a direction that the appellants shall consider the case of the respondents under G.O.Ms.Nos.112 or 212 or other G.Os. as are applicable to them and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this Judgment. The contention of the respondents that their juniors in other institution were already regularized in service long ago also should be kept in view while considering the case of the respondents. No costs.

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G.BIKSHAPATHY,J

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P.S.NARAYANA,J

Dated 2nd December, 2004

Dvs

To

1. K.Ranga Raju, S/o Venkateswara Raju,Aged 36 years,
Watchman, A.K.V.K.Junior College, Ongole, Prakasam District.
2. T.Subba Rao, Watchman, A.K.V.K.Junior College, Ongole, Prakasam
District.
3. V.Sreenivas Rao, Sweeper, A.K.V.K.Junior College, Ongole,Prakasam
District.
4. A.K.V.K.Junior College, Ongole, Prakasam District, rep.by
Secretary and Correspondent.
5. Two CCs to the Government Pleader for Higher Education, High
Court Buildings (OUT).
6. Two CD copies.

7. The Principal Secretary, Higher Education Dept., Secretariat

Buildings, A.P.Hyderabad.

8. The Commissioner and Director of Intermediate Education,

A.P.Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

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